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Jordan: Consequences of repatriation or removal of Jordanian citizens who have been charged or convicted of drug offences outside Jordan; the interpretation of Articles 9 and 10 of the Jordanian Penal Code and any other legal provisions that may be relevant in these circumstances

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The only documentary reports involving Jordanians convicted of drug offences outside of Jordan that could be found by the Research Directorate are those concerning convictions that occurred in Saudi Arabia in 1999: On 21 May 1999, the Saudi Press Agency (SPA) reported that two Jordanians convicted of smuggling hashish into Saudi Arabia were beheaded by the Saudi authorities. On 2 July 1999, a Jordanian man was decapitated by the sword by the Saudi Arabian government after having been found guilty of smuggling hashish and amphetamines into the country (AFP 2 Jul. 1999).

In 5 June 2004 correspondence with the Research Directorate, two professors of Law at two Jordanian universities issued the following information jointly: Articles 9 and 10 of the Jordanian Penal Code give Jordanian authorities jurisdiction over crimes (*crimes*) or indictable offences committed outside Jordan (*délits*) but not over minor infractions (*contraventions*). According to Article 12 of the Code, in order for punishment of a crime or indictable offence to fall outside the jurisdiction of Jordan, two conditions must be met: a definite ruling must be made by the foreign jurisdiction; and, the sentence, pardon, or prescription must be carried out by the foreign jurisdiction. According to the professors, legal proceedings carried out in Jordan are not dependent on the Jordanian's receiving of a verdict of guilty or not guilty in the foreign jurisdiction; nor do they depend on whether the Jordanian returned to Jordan voluntarily or not (through extradition or expulsion). If a Jordanian did something on foreign soil that was considered an offence under Jordanian law, he or she could undergo legal proceedings in Jordan whether or not the action constituted an offence in the foreign jurisdiction. According to the professors, jurisprudence follows this pattern. With regard to drug offences, the same rules apply. A special law from 1993 criminalizes drug infractions and gives the Jordanian Tribunal of State Security (*Tribunal de la sûreté de l'État*) jurisdiction over those who commit drug offences whether on Jordanian or foreign soil.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection.

References

Agence France Presse (AFP). 2 July 1999. "Saudi Arabia Beheads Two Drug Smugglers." (Dialog)

Al-El Beit University and Al-Yarmouk University, Jordan. 5 June 2004. Correspondence from two professors of Law.

Saudi Press Agency (SPA) [Riyadh, in Arabic]. 21 May 1999. "Saudi Arabia Beheads Jordanian Drug-Smugglers." (BBC/Dialog)

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